

wherein the selected subset of audio data streams includes a first audio data stream and a second audio data stream; and

wherein the method further comprises:

determining whether one or more of the first and second audio data streams is associated with an inactive conference participant; and

substituting a third audio data stream from a third conference participant, for at least the one of the first and second audio data streams associated with the inactive conference participant.

*Am 65*  
32. (New) A conferencing method comprising:

receiving a plurality of audio data streams from a corresponding plurality of conference participants;

selecting a subset of the plurality of audio data streams;

rendering the selected subset of audio data streams.

determining whether one or more of the first and second audio data streams is associated with an inactive conference participant; and

substituting a third audio data stream from a third conference participant, for at least the one of the first and second audio data streams determined to be associated with the inactive conference participant.

33. (New) The method of claim 32, wherein the selected subset of audio data streams includes a first audio data stream formatted according to a first protocol and a second audio data stream formatted according to a second protocol.

#### REMARKS

In response to the Office Action mailed on July 6, 2000, this amendment amends claims 2-4, 9, 11, 18, and 21; cancels claims 10 and 15-17; and adds new claims 22-33. As a result, claims 1-9, 11-14 and 18-33 are now pending in this application.

Applicant reserves the right to later address or rebut any of the Examiner's direct or tacit assertions or characterizations of the references in this Action, to the extent the following remarks do not address or rebut them.

#### **Response to Drawing Objections**

The official draftsperson objected to Figures 1 and 2 under overcoming the objection under 37 CFR 1.84(l). In response, applicant submits formal versions of Figures 1 and 2.

### Response to §103 Rejections

The Examiner rejected claims 1-2 under 35 USC § 103(a) as unpatentable over Clapp; claims 3-4 as unpatentable over Clapp in view of Matsui; and claims 5-21 as unpatentable over Clapp in view of Matsui in further view of Kumar. Applicant traverses the rejections as follows.

Specifically, in rejecting claims 1 and 2, the Examiner concedes that Clapp lacks the required “two or more receiver payload handler modules,” but argues without evidentiary support that “it would have been obvious to substitute receiver payload modules with [Clapp’s] interface panels further extending receiving [functionality] to transmission/ switching/ signaling functions.” (See Office Action, p. 2, ¶ 4). The lack of evidence substantiating the proposed motivation indicates that the Examiner is relying on official notice to overcome Clapp’s omission. Accordingly, applicant requests respectfully that the Examiner submit evidence substantiating the motivations or withdraw the rejection. See MPEP 2144.03.

Moreover, the present specification explains that the receiver payload modules “perform functions necessary to ensure proper decoding of the data. Examples of such functions ... include reassembling or combining several data packets into a larger data package, reordering a received sequence of data packets, detecting and rejecting duplicated packets, or computing and compensating delay jitter.” (See page 9, 3d paragraph.) On the other hand, interface panels 150 and 170 in Clapp do not appear to include any similar functionality.

In particular, Clapp states that interface panel 170 comprises “appropriate input connectors and jacks” and that interface panel 150 is “preferably configured to receive source video signals 78 provided by at least two video sources.” (Col. 8, lines 19-23.) Clapp further states that panel 170 “receives the source audio signal 80 ... from the central controller 200, and in turn, transmits the source audio signal 80 to the communication channel 82.” (Col. 8, lines 34-37.) Clapp also states that “a remote audio signal transmitted over the communication channel 82 is preferably received by ... panel 170 and communicated to the central controller 200” (col. 8, lines 59-63) and that “panel 170 also receives remote video signals from the communication channel 82 and transmits the ... signals to the central controller 200...” (col. 9, lines 8-11.) Thus, interfaces panels 150

and 170 do not appear to little, if any relation to the claimed receiver payload handler module. Therefore, the Examiner's rejection not only lacks proper evidentiary foundation, but also evidences an impermissible degree of hindsight reconstruction.

Additionally, Clapp, in Figures 8 and 9, shows a communications channel 82 coupled to a single central controller 200, which is itself coupled to a video decoder 318 and an audio decoder 318. Clapp reports, at column 21, lines 20-23 and column 22, lines 57-59, that controller 200 receives remote video image signals and remote audio signals and transmits them respectively to video decoder 318 and audio decoder 402. Thus, even if the Examiner produces a proper motivation for substituting a receiver payload module for controller 200, the modified teachings of Clapp would still fall short of the claim 1 requirements by one receiver payload module. Accordingly, applicant requests withdrawal of the 103 rejection of claims 1 and 2 and their dependents.

Further, applicant submits that claims 9, 18, and 21 also recite "receiver payload handler modules." The Examiner rejected these claims based on Clapp in combination with Matsui and/or Kumar. However, like Clapp, Matsui and Kumar, appear to lack the recited "two or more receiver payload handler modules." Therefore, as with the rejection of claims 1 and 2, applicant traverses the official notice that this element is taught or suggested by the combinations of references, and requests the rejection be withdrawn or substantiated with evidence.

The Examiner rejected claims 18-20 as unpatentable over Clapp in view of Matsui in further view of Kumar. However, the rejection appears moot in view of the amendment of claim 18. (The amendment of claim 18 finds supports at least at page 9, lines 11-19 of the specification.) With the amendment, these claims now require "monitoring incoming audio or video data for each of a plurality of conference parties for active or inactive status," "monitoring incoming audio or video data for a new speaker," and "replacing audio or video data having the inactive status with data for the new speaker." Neither Clapp, nor Matsui, nor Kumar appear to include such actions. Accordingly, the rejection of claims 18-20 should be withdrawn.

New claims 22-33 also distinguish from Clapp. In particular, claims 22 and 23 stem respectively from claims 18 and 21 and inherit their respective distinguishing features.

Claims 24 and 25 recite means for or an act of “determining whether one or more of the first and second sets of audio data is associated with an inactive conference participant” and means for or an act of “substituting a third set of data from a third conference participant, for at least the one of the first and second sets of audio data associated with the inactive conference participant.” None of the cited art appears to teach or suggest this functionality.

Claim 26-33 recite means for or acts of “receiving a plurality of audio data streams from a corresponding plurality of conference participants” and “selecting a subset of the plurality of audio data streams. Notably, the present specification explains that “singl[ing] out a limited number of the incoming data streams ... for further processing and eventual rendering” facilitates “handling large, multiparty conferences, for example, those having tens, hundreds, or even thousands of parties.” See page 9, first full paragraph. None of the cited art appears to teach or suggest the recited selection functionality.

### CONCLUSION

In view of this amendment and supporting remarks, applicant respectfully requests reconsideration of the application. Moreover, applicant invites the Examiner to call its patent counsel Eduardo Drake at 612-349-9593 to resolve any issues which may impede allowance.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111 Page 10  
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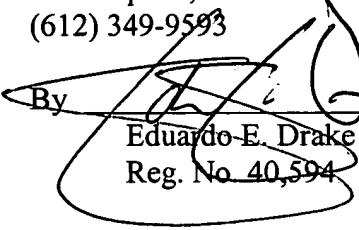
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, Washington, D.C. 20231 on December 5, 2000.

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